

31A-27a-301 Rehabilitation orders.

- (1)
- (a) An order to rehabilitate the business of an insurer shall:
 - (i) appoint the commissioner and the commissioner's successors in office as the rehabilitator;
 - (ii) direct the rehabilitator to:
 - (A) take possession and title of the assets of the insurer; and
 - (B) administer the assets of the insurer under the general supervision of the court; and
 - (iii) require accountings to the receivership court by the rehabilitator.
 - (b) Accountings shall be at the intervals the receivership court specifies in its order, but no less frequently than semiannually.
 - (c) Each accounting shall include a report concerning the rehabilitator's opinion as to:
 - (i) the likelihood that a plan under Section 31A-27a-303 will be prepared by the rehabilitator; and
 - (ii) the timetable for preparing the plan described in Subsection (1)(c)(i).
- (2)
- (a) In recognition of the need for a prompt and final resolution for all persons affected by a plan of rehabilitation, any appeal from an order of rehabilitation or an order approving a plan of rehabilitation shall be heard on an expedited basis.
 - (b) A stay of an order of rehabilitation or an order approving a plan of rehabilitation may not be granted unless the appellant demonstrates that extraordinary circumstances warrant delaying the recovery under the plan of rehabilitation of all other persons, including policyholders.
 - (c) If a plan of rehabilitation provides an appropriate mechanism for adjustment in the event of an adverse ruling from an appeal, a stay may not be granted.

Enacted by Chapter 309, 2007 General Session